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Feb 2, 2024

ANGELA E. NOBLE
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S. D. OF FLA. - Miami

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-mj-02223-Sanchez

UNITED STATES OF AMERICA

v.

THEODORE BOOTLE, et. al.,

Defendants.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? **No**
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? **No**
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? **No**

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:



JESSICA J. AYER
Special Assistant United States Attorney
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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America

v.

THEODORE BOOTLE, et. al.,

Defendant(s)

Case No. 24-mj-02223-Sanchez

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 31, 2024 in the county of Miami-Dade in the
Southern District of Florida and elsewhere, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section
1324(a)(1)(A)(V)(I)

Conspiracy to encourage or induce aliens to enter the United States

Title 8, United States Code, Section
1326(a)

Illegal re-entry after removal

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.



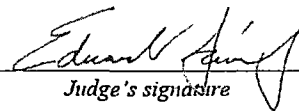
Complainant's signature

Lee Herrera-Mondragon, Special Agent HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: February 2, 2024



Judge's signature

City and state: Miami, Florida

Hon. Eduardo I. Sanchez, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Lee E. Herrera-Mondragon, being duly sworn, do hereby depose and state the following:

INTRODUCTION

1. I am presently employed as a Special Agent with the United States Homeland Security Investigations ("HSI"), where I have worked since September 2021. I am currently assigned to the HSI Special Agent in Charge Miami, Maritime Border Enforcement Security Task Force. In that capacity, my duties include investigating federal criminal offenses in the Southern District of Florida. During my tenure as a Special Agent, I have completed approximately 490 hours of instruction at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my tenure as a Special Agent, I was a United States Border Patrol Agent for 3 years in Calexico, California, where I prepared cases for immigration proceedings. I also was tasked with determining the lawfulness of travelers' entry into the United States. Prior to my tenure as BPA, I served in the United States Army as an infantryman for four years.

2. The statements contained in this Affidavit are based upon my own personal knowledge gathered during my participation in this investigation, my previous training and experience, other law enforcement officers and agents who have engaged in numerous investigations involving the transportation of migrants who are not authorized to enter the United States, and upon facts and information from agents and interviews. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me or law enforcement in this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

3. I submit this Affidavit in support of a criminal complaint charging Theodore BOOTLE ("BOOTLE") with conspiracy to encourage and induce aliens to enter the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I). I further submit this Affidavit in support of a criminal complaint charging, Willy Leandro TEJEDA LARA ("TEJEDA LARA"), Slywin Magnus SIMMS ("SIMMS"), Freddy Railandy MEDINA CRUZ ("MEDINA"), Wilkin Franklin RAMIREZ ("RAMIREZ"), Joselyn Andrea LEAL OSPINA ("LEAL OSPINA"), and Benedict Aristolte DESIR ("DESIR") with re-entry of a removed alien, in violation of Title 8, United States Code, Section 1326(a).

PROBABLE CAUSE

4. On or about January 31, 2024, at approximately 4:15 a.m., the United States Coast Guard ("USCG") Cutter MANOWAR spotted a suspect vessel ("SUSPECT VESSEL") approximately six nautical miles west of Bimini, Bahamas, travelling westbound without navigational lights at approximately eighteen knots. USCG Station Miami Beach officers and Customs and Border Protection ("CBP") Air Marine Operations ("AMO") responded. CBP AMO interdicted the SUSPECT VESSEL approximately six nautical miles east of Miami, Florida, within United States territorial waters. Once CBP AMO was on scene, law enforcement officers noticed the vessel was sinking, and immediately brought everyone on board the CBP AMO boat. The vessel bore Florida registration number FL 4382FS. There were thirteen (13) total passengers. USCG Station Miami Beach officers then arrived on scene and boarded the vessel to ensure there were no other passengers. Upon boarding the vessel, USCG Station Miami officers discovered approximately eight (8) bags on board containing suspected marijuana. The officers discovered the bags when they entered the cabin of the vessel to check for any remaining passengers, upon

entering the cabin they saw a bag which was open and had what appeared to be marijuana inside. The USCG officers then brought all of the bags of suspected marijuana up and out of the cabin.

5. All thirteen (13) passengers were transported to the USCG Cutter MANOWAR for biometrics and records checks. CBP AMO officers transported the suspected marijuana to HSI. HSI conducted a field test of the substance, which came back positive for marijuana. The marijuana weighed approximately 179.8 pounds in total.

6. Biometrics and records checks revealed that none of the thirteen (13) passengers had permission or were otherwise authorized to enter the United States on or about January 31, 2024. Biometrics and records checks also revealed the following:

- a. TEJEDA LARA is a citizen of the Dominican Republic. On or about July 5, 2023, he was ordered removed by an immigration judge, and on or about August 8, 2023, he was subsequently removed from the United States to the Dominican Republic.
- b. SIMMS is a citizen of Jamaica. On or about May 6, 2019, he was ordered removed by an immigration judge, and on or about January 27, 2022, he was subsequently removed from the United States to Jamaica.
- c. MEDINA CRUZ is a citizen of the Dominican Republic. On or about March 8, 2007, he was ordered removed by an immigration judge, and on or about March 24, 2011, he was subsequently removed from the United States to the Dominican Republic.
- d. RAMIREZ is a citizen of the Dominican Republic. On or about March 10, 2003, he was ordered removed by an immigration judge, and on or about October 12,

2004, he was subsequently removed from the United States to the Dominican Republic.

- e. LEAL OSPINA is a citizen of Colombia. On or about September 5, 2023, she was ordered removed by an immigration judge, and on or about September 18, 2023, she was subsequently removed from the United States to Colombia.
- f. DESIR is a citizen of Haiti. On or June 7, 2000, he was ordered removed by an immigration judge, and on or about September 10, 2001, he was subsequently removed from the United States to Haiti.

7. While conducting biometrics, one of the passengers told USCG officers, unprompted, that BOOTLE and another individual were the boat captains.

8. During a recorded post-*Miranda* interview with HSI, BOOTLE told HSI the following: BOOTLE stated he was supposed to be the boat captain for the venture of January 31, 2024, from Bimini, Bahamas, to Miami, Florida, but when he noticed there were illegal drugs onboard, he did not want to captain the vessel. BOOTLE stated he travelled from Freeport, Bahamas, to Bimini, Bahamas, in the evening hours of January 30, 2024. Once in Bimini, Bahamas, BOOTLE stated he was met by a subject only known to him as "Shortman" and "Shortman" was accompanied by his "Boys". BOOTLE stated "Shortman and his "Boys" began to load the vessel with illegal drugs. BOOTLE stated he knew the passengers on board the vessel were migrants, and he was set to be paid \$1,000 United States Dollars ("USD") per migrant by "Shortman". BOOTLE stated since he did not want to captain the vessel because of the illegal drugs onboard, and that another male known to BOOTLE as "Smoke" captained the vessel for him. BOOTLE stated although "Smoke" captained the vessel to Florida, BOOTLE expected to be paid \$2,500 USD to captain the vessel back from Miami, Florida, to the Bahamas, because

“Smoke” was going to stay in Miami, Florida, with another male to protect the illegal drugs. BOOTLE further claimed ownership of a tablet that was found on the SUSPECT VESSEL. HSI Special Agents showed BOOTLE this tablet, which was discovered in the cabin of the vessel with the illegal drugs. BOOTLE stated the tablet was his and showed Special Agents where on the tablet there was stored contact information belonging to “Chino”. BOOTLE stated “Chino” is the person who introduced him to “Shortman,” the purported organizer of the alien and drug smuggling ventures.

9. The USCG intends to bring BOOTLE, RAMIREZ, TEJEDA LARA, SIMMS, MEDINA CRUZ, LEAL OSPINA, and DESIR ashore at the USCG Base in Miami Beach, Florida on or about February 2, 2024.

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CONCLUSION

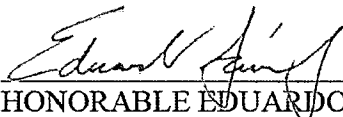
10. Based on the foregoing facts, your affiant respectfully submits that there is probable cause to believe that BOOTLE conspired to encourage and induce aliens to enter the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I). Your affiant further respectfully submits that there is probable cause to believe that TEJEDA LARA, SIMMS, and MEDINA CRUZ, RAMIREZ, LEAL OSPINA, and DESIR illegally re-entered the United States after being previously removed, in violation of Title 8, United States Code, Section 1326(a).

FURTHER AFFIANT SAYETH NAUGHT.



LEE E. HERRERA-MONDRAGON
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P.
4.1 by Face Time this 2nd day of February 2024.



HONORABLE EDUARDO I. SANCHEZ
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA